

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 11, 2006

**D048753      Gene W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron  
Clerk: D. Moore

**D045872      People v. Adame**  
Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant. Nikki Shaffer, Deputy Attorney General argued for respondent. Mr. Ford replied. Cause submitted.

**D046849      People v. Jones**  
Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Ray DiGuiseppe, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted.

**D047618      Taub v. Snider, APC et al.**  
Cause called on merits. Barry L. Taub, argued for appellant in pro per. Michele Bernadette Brown, Esq. argued for respondent. Mr. Taub replied. Cause submitted.

Court recessed at 9:52 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

**D048014      In re Rodney P., a Juvenile**  
Cause called on merits. Christian Buckley, Esq. argued for appellant. Sabrina Lane-Erwin, Deputy Attorney General argued for respondent. Mr. Buckley replied. Cause to be submitted once letter briefs have been received.

**D047171      People v. Galindo**  
Cause called on merits. No appearance by appellant's counsel. Kathleen Frey, Certified Law Student being supervised by Scott Taylor, Deputy Attorney General was present in oral argument for respondent, and submitted on the briefs. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 11, 2006 (Continued)

**D047882      FEH Income Properties v. Craftsmen Steel Buildings et al.**

Cause called on merits. Peter M. Polischuk, Esq. argued for appellant. Michael E. Ripley, Esq. argued for respondent. Mr. Polischuk replied. Cause submitted.

Court recessed at 10:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman  
Clerk: D. Moore

**D047432      San Diego Unified School District v. San Diego Regional Water Quality Control Board**

Cause called on merits. Melissa Woo, Esq. argued for appellant. Carol A. Squire, Deputy Attorney General argued for respondent. Ms. Woo replied. Cause submitted.

**D046319      Rivkin et al. v. City of Carlsbad et al.**

Cause called on merits. Daniel U. Smith, Esq. argued for appellant. Mitchell D. Dean, Esq. argued for respondent, City of Carlsbad. Gary Dale Britton, Esq. argued for respondent, San Diego Baseball. Steven Michael O'Neal, Esq. was present in oral argument for respondent, La Costa Youth Organization, but did not argue. Mr. Smith replied. Cause submitted.

Court recessed at 2:29 p.m. until Tuesday, September 12, 2006 at 9:00 a.m.

**People v. Bannerman**

We remand for notice and hearing under section 987.8, subdivision (b) concerning Bannerman's ability to pay the \$570 of attorney fees indicated in the minute order. Any attorney fee payment ordered upon remand shall be imposed as an order entered upon judgment, not as a condition of probation. We further direct that the reference to the payment of probation costs in the minute order be construed as an order entered upon judgment, not as a condition of probation. In all other respects we affirm the judgment. Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 12, 2006

**D048461      Jorgelina E. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The opinion filed August 30, 2006, is ordered certified for publication.

**D47359      In re Dixon on Habeas Corpus**

The order granting the petition for writ of habeas corpus is reversed, with directions to enter a new order denying the petition. Haller, J.; We Concur: McConnell, P.J., Benke, J.

**D048203      In re Daniel W. et al., Juveniles**

The judgment of contempt is annulled. McDonald, J.; We Concur: McConnell, P.J., Irion, J.

**D047122      People v. Gehrke**

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

**D047352      Union Bank of California v. Del Charro Woods Homeowners Association**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

**D047742      People v. Little**

The convictions as to counts 11, 12, 18, 19, 21 and 22 are reversed. The sentence is modified to stay execution of the sentence imposed for counts 7, 9, 15 and 16, and the abstract of judgment is ordered corrected to reflect counts 3 and 4 are stayed under section 654. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting such changes, corrections and modification, and to send a certified copy thereof to the Department of Corrections. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

**D048197      In re N.H. et al., Juveniles**

The judgments are affirmed. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D048323      In re Marriage of Schack and Burns**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion  
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 12, 2006 (Continued)

**D046701      People v. Crowder**

Cause called on merits. John J. Lanahan, Esq. argued for appellant. Garrett Beaumont, Deputy Attorney General argued for respondent. Cause submitted.

**D046669      People v. Badena**

**D048552      In re Badena on Habeas Corpus**

Cause called on merits. Charles R. Khoury, Jr., Esq. argued for appellant. Garrett Beaumont, Deputy Attorney General argued for respondent. Mr. Khoury replied. Cause submitted as to appeal only, D046669.

**D048200      In re Terrance B., a Juvenile**

Cause called on merits. Nicol Kording, Esq. argued for appellant, Cherilynn S. Carl Fabian, Esq. argued for the minor. Katherine Bird, Deputy County Counsel argued for respondent. Ms. Kording replied. Cause submitted.

Court recessed at 10:11 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

**D046347      In re Nourn on Habeas Corpus**

Matter called on merits. Patricia J. Ulibarri, Esq. argued for petitioner. Nikki Shaffer, Deputy Attorney General argued for respondent. Ms. Ulibarri replied. Matter submitted.

**D047557      In re Abdulkadir A., a Juvenile**

Cause called on merits. Gary Roberts, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Mr. Roberts replied. Cause submitted.

Court recessed at 11:11 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

**D047329      Friwat et al. v. Koo et al.**

Cause called on merits. Fred Elliot Goldman, Esq. argued for appellant. Larry G. Lushanko, Esq. argued for respondent. Mr. Goldman replied. Cause submitted.

Court recessed at 11:47 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
September 12, 2006 (Continued)

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion  
Clerk: D. Moore

**D046208      Doody v. Knight**

Cause called on merits. Matt E. Stephens, Esq. argued for appellant. Michael Werner Battin, Esq. argued for respondent. Mr. Stephens replied. Cause submitted.

Court recessed at 2:01 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Judith Haller

**D046772      Protax, LLC v. Prestige of Beverly Hills, Inc.**

Cause called on merits. Frank Anthony Satalino, Esq. argued for appellant. Martin Nebrida Buchanan, Esq. argued for respondent. Mr. Satalino replied. Cause submitted.

**D047004      Thornburg v. El Centro Regional Water Medical Center**

Cause called on merits. Michael H. Fish, Esq. argued for appellant. James Kostas, Esq. was present in oral argument for appellant, but did not argue. Martha L. McGill, Esq. argued for respondent. Michael R. Popcke, Esq. was present in oral argument for respondent, but did not argue. Mr. Fish replied. Cause submitted.

**D047616      Western Pet Wholesalers, Inc. v. Natura Pet Products, Inc.**

Cause called on merits. Robert Michael Kovalsky, Esq. argued for appellant. Kristen E. Caverly, Esq. argued for respondent. Mr. Kovalsky replied. Cause submitted.

Court recessed at 2:55 p.m. until Wednesday, September 13, 2006 at 9:00 a.m.

**D049253      Acceptance Insurance Company. v. Superior Court of San Diego County/Investors Insurance Company of America**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 13, 2006

**D044931      Grassilli v. Barr et al.**

We affirm the judgment with respect to liability, compensatory damages, and attorney fees. The judgment is reversed on the punitive damages award, with the direction that the superior court is to: (1) enter judgment against Officer Barr in the amount of \$35,000, or at Grassilli's option conduct a new trial on the proper amount of punitive damages against Officer Barr; and (2) enter judgment against Sergeant Toth in the amount of \$20,000, or at Grassilli's option conduct a new trial on the proper amount of punitive damages against Sergeant Toth. The court is further ordered to strike \$25,000 in costs to Grassilli reflecting expert witness fees. Defendants to pay Grassilli's costs on appeal. CERTIFIED FOR PARTIAL PUBLICATION. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D046945      National Directory Company v. Empire Bail Bonds, Inc.**

The judgment is affirmed. National Directory Company is awarded costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

**D046245      People v. Lochtefeld**

The order revoking probation is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D046439      Donner Management Company et al. v. Schaffer**

The order is affirmed. Donner to pay Schaffer's costs on appeal. Haller, Acting, P.J.; We Concur: McDonald, J., O'Rourke, J. CERTIFIED FOR PARTIAL PUBLICATION

**D047123      People v. Chatman**

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

**D047734      In re Marriage of Chapman**

We affirm the judgment. We reject Michael's request for sanctions on appeal. Vincenzo to pay respondents' costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D048725      Jimmy M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Haller, J.; We Concur: McConnell, P.J., Irion, J.

**D048995      In re Sabrina H. et al., Juveniles**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 13, 2006 (Continued)

**D048680      In re Ryan V., a Juvenile**

The May 12, 2006 judgment is reversed. The matter is remanded to the trial court for a new hearing on the petition in a manner consistent with this opinion. The remittitur is to issue forthwith. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

**D047741      People v. Kelley**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D048343      In re A.F., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.

**D047618      Taub v. Snider et al.**

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.

**D047627      County of San Diego v. Grossmont-Cuyamaca Community College District**

The order awarding fees to the Grossmont-Cuyamaca Community College District under Code of Civil Procedure section 1021.5 is reversed. The County shall recover its costs on appeal. Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D048461      Jorgelina E. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**

This Court's order dated September 12, 2006, certifying the opinion in the above-entitled matter for publication is vacated due to lack of jurisdiction.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre  
Clerk: D. Moore

**D047749      Ortega v. Lowen et al.**

Cause called on merits. Randy J. Rutten, Esq. argued for appellant. Cause submitted.

**D046999      Miller v. Miller**

Cause called on merits. Scott Miller, argued for appellant, in pro per. Sara Kirby, Esq. argued for respondent. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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September 13, 2006 (Continued)

**D047431      Sharp Grossmont Hospital v. Moreno**

Cause called on merits. Lil G. DelCampo, Esq. argued for appellant. Carl M. Lewis, Esq. argued for respondent. Ms. DelCampo replied. Cause submitted.

**D046802      Wiley v. Garcia et al.**

Cause called on merits. Kevin T. Cauley, Esq. argued for appellant/cross-respondent. Robert Miller, Esq. argued for respondent/cross-appellant. Mr. Cauley replied. Mr. Miller replied. Cause submitted.

Court recessed at 9:53 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

**D046004      In re Simonton on Habeas Corpus**

Matter called on merits. John David Blair-Loy, Esq. argued for petitioner. Melissa Mandel, Deputy Attorney General argued for respondent. Mr. Blair-Loy replied. Matter submitted.

Court recessed at 10:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion  
Clerk: D. Moore

**D045969      Hol-America, Inc. v. Leisure World Home Resort Products of California et al.**

Cause called on merits. Ron Sarian, Esq. argued for appellant/cross-respondent. Kristen Dalessio, Esq. argued for respondent/cross-appellant. Mr. Sarian replied. Ms. Dalessio replied. Cause submitted.

Court recessed at 2:18 p.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

**D047487      Hudacko v. Stanly**

Cause called on merits. Dennis Hickman, Esq. was present in oral argument for appellant, but did not argue. Timothy P. Dillon, Esq. argued for respondent. Cause submitted.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
September 13, 2006 (Continued)

**D046697      People v. Stone**

Cause called on merits. William Howard Strohmeyer, Esq. argued for appellant. Stephanie Chow, Deputy Attorney General argued for respondent. Mr. Strohmeyer replied. Cause submitted.

Court recessed at 2:54 p.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D047930      People v. Pena**

Cause called on merits. Stephen Merritt Hinkle, Esq. argued for appellant. Ray DiGuiseppe, Deputy Attorney General argued for respondent. Mr. Hinkle replied. Cause submitted.

**D046879      People v. White**

Cause called on merits. John David Blair-Loy, Esq. argued for appellant. Jamie Dahlstedt, Certified Law Student argued for respondent. Mr. Blair-Loy replied. Cause submitted.

Court recessed at 3:27 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D046148      People v. Lewis**

**D048525      In re Lewis on Habeas Corpus**

Cause called on merits. Charles R. Khoury, Jr., Esq. argued for appellant. Lilia E. Garcia, Deputy Attorney General argued for respondent. Mr. Khoury replied. Cause submitted as to appeal only, D046148.

Court recessed at 3:53 p.m. until Thursday, September 14, 2006 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 14, 2006

**D048506      In re Patricia E. et al., Juveniles**

The jurisdiction and disposition orders are reversed and the juvenile court is directed to order the Agency to comply with the notice requirements of the ICWA. If, after proper notice and inquiry, no tribe exercises its right to intervene and the court determines that proper notice has been provided, the court is directed to reinstate the jurisdiction and disposition orders. If a tribe intervenes, the court is directed to conduct a new jurisdiction and disposition hearing in accordance with the provisions of the ICWA. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

**D047403      In re Bryant C., a Juvenile**

The judgment of the trial court is affirmed. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D046384      People v. Johnson**

The judgment is reversed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.

**D048871      In re Wagener on Habeas Corpus**

The petition is denied.

**D048947      In re O'Dell on Habeas Corpus**

The petition is denied.

**D048418      In re Kaitlyn X., a Juvenile**

The orders are affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

**D048408      In re Grace R., a Juvenile**

The orders are affirmed. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D048943      Brown v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 14, 2006 (Continued)

**D048556      People v. Anderson**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.

**D048417      In re R.N., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

**D049264      Stephens v. Superior Court of San Diego/Paschen**

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron  
Clerk: D. Moore

**D045138      BCP/Fox Hollow LLC et al. v. Alpha III Inc., et al.**

Cause called on merits. William J. Davis, Esq. argued for appellant/cross-respondent. Alexander F. Wiles, Esq. argued for respondent/cross-appellant. Mr. Davis replied. Cause submitted.

Court recessed at 9:41 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

**D047499      People v. Flores**

Cause called on merits. Siri Shetty, Esq. argued for appellant. James Flaherty, Deputy Attorney General argued for respondent. Ms. Shetty replied. Cause submitted.

**D047154      Petty et al. v. Hill**

Cause called on merits. Richard Spirra, Esq. argued for appellant. Robert B. Titus, Esq. argued for respondent. Mr. Spirra replied. Cause submitted.

Court recessed at 10:25 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller  
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 14, 2006 (Continued)

**D045985      Har Construction, Inc. v. San Diego Unified School District**

Cause called on merits. John Morris, Esq. argued for appellant/cross-respondent. David A. Niddrie, Esq. argued for respondent/cross-appellant. Mr. Morris replied. Mr. Niddrie replied. Cause submitted.

**D047006      Jay v. State of California Franchise Tax Board**

Cause called on merits. Noel W. Spaid, Esq. argued for appellant. Anthony Sgherzi, Deputy Attorney General argued for respondent. Ms. Spaid replied. Cause submitted.

Court recessed at 2:38 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice and The Honorable Associate Justices Richard Huffman and Cynthia Aaron

**D047212      Gregg v. Revelle**

Cause called on merits. Marnie S. Skeen, Esq. argued for appellant. Paul Kennerson, Esq. argued for respondent. Ms. Skeen replied. Cause submitted.  
Court recessed at 2:54 p.m. until Friday, September 15, 2006 at 9:00 a.m.

**D048778      In re Marriage of Corlew**

This court's order of August 15, 2006, is vacated and the appeal filed on June 7, 2006, is reinstated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
September 15, 2006

**D048141      In re M.N., a Juvenile**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., Irion, J.

**D046802      Wiley v. Garcia et al.**

The orders are affirmed. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D048875      In re Chhoun on Habeas Corpus**

The petition is denied.

**D047124      People v. Stickney**

The appeal is dismissed. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

**D046702      Colony Hill v. Ghamaty**

The judgment is affirmed. The purported appeal of the attorney fees award is dismissed. Colony Hill is entitled to costs on appeal. CERTIFIED FOR PARTIAL PUBLICATION. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

**D047749      Ortega v. Lowen**

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J. We Concur: Nares, Acting, P.J., McIntyre, J.

**D047027      People v. Lindberg**

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

**D047886      People v. Crouse**

The petition is denied.

**D048877      In re Ramirez-Salgado on Habeas Corpus**

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and the Honorable Associate Justices Judith Haller and Terry O'Rourke  
Clerk: D. Moore



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

September 15, 2006 (Continued)

**D047794      Mendoza v. Lane, et al.**

Cause called on merits. Joe Mendoza, argued for appellant, in pro per. Katherine T. Weadock, Esq. argued for respondent, Lane. Dan H. Deuprey, Esq. argued for respondent, Dunnum. Mr. Mendoza replied. Cause submitted.

**D046358      Bowen v. Bowen**

**D047063      Bowen v. Bowen**

Cause called on merits. William E. Blatchley, Esq. argued for appellant. Sharron Voorhees, Esq. argued for respondent. Mr. Blatchley replied. Cause submitted.

Court recessed at 10:00 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke

**D047394      People v. Mendiola**

Cause called on merits. Sarita Ordonez, Esq. argued for appellant. Anne Fraser, Deputy Attorney General argued for respondent. Ms. Ordonez replied. Cause submitted.

**D046695      Hodge v. Poway Unified School District**

Cause called on merits. Aaron Markowitz, Esq. argued for appellant. Paul Carelli, Esq. argued for respondent. Mr. Markowitz replied. Cause submitted.

Court recessed at 10:39 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke

Clerk: D. Moore

**D046617      Ohton et al. v. Board of Trustees of the California State University et al.**

Cause called on merits. Jon R. Williams, Esq. argued for appellant. Lou Arnell, Esq. was present in oral argument for appellant, but did not argue. Christopher B. Cato, Esq. argued for respondent. Eric M. Volkert, Esq. was present in oral argument for respondent, but did not argue. Mr. Williams replied. Cause submitted.

Court recessed at 2:19 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Terry O'Rourke

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 15, 2006 (Continued)

**D047369      Graciano v. Robinson Ford Sales, Inc.**

Cause called on merits. Hallen D. Rosner, Esq. argued for appellant. Paul Anthony Brennan, Esq. argued for respondent. Mr. Rosner replied. Cause submitted.

Court recessed at 2:58 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

**D046188      Jenkins v. DeLeon**

Cause called on merits. Robert Michael Garland, Esq. argued for appellant. Mary Dahlberg, Deputy Attorney General argued for respondent. Mr. Garland replied. Cause submitted.

Court adjourned at 3:14 p.m.

**D049372      In re Blackman on Habeas Corpus**

The petition is denied without prejudice to refile in the Second District Court of Appeal, Division Three, Ronald Reagan State Building, 300 South Spring Street, 2nd Floor, Los Angeles, CA 90013.

**D047888      In re John M., a Juvenile**

The opinion filed on August 16, 2006, is modified. There is no change in the judgment. The petition for rehearing is denied.